

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

<div> <div>BIANCA JOHNSON, <i>et al.</i>,</div> <div><i>Plaintiffs,</i></div> <div>v.</div> <div>ANDREW HOLMES,</div> <div><i>Defendant.</i></div> </div>	<div>CASE No. 3:16-cv-00016</div> <div><u>ORDER</u></div> <div>JUDGE NORMAN K. MOON</div>
<div> <div>LEON POLK, <i>et al.</i>,</div> <div><i>Plaintiffs,</i></div> <div>v.</div> <div>ANDREW HOLMES,</div> <div><i>Defendant.</i></div> </div>	<div>CASE No. 3:16-cv-00017</div> <div><u>ORDER</u></div> <div>JUDGE NORMAN K. MOON</div>
<div> <div>RODNEY HUBBARD, <i>et al.</i>,</div> <div><i>Plaintiffs,</i></div> <div>v.</div> <div>ANDREW HOLMES,</div> <div><i>Defendant.</i></div> </div>	<div>CASE No. 3:16-cv-00018</div> <div><u>ORDER</u></div> <div>JUDGE NORMAN K. MOON</div>
<div> <div>CORY GRADY,</div> <div><i>Plaintiff,</i></div> <div>v.</div> <div>ANDREW HOLMES,</div> <div><i>Defendant.</i></div> </div>	<div>CASE No. 3:17-cv-00062</div> <div><u>ORDER</u></div> <div>JUDGE NORMAN K. MOON</div>
<div> <div>SERGIO HARRIS,</div> <div><i>Plaintiff,</i></div> <div>v.</div> <div>ANDREW HOLMES, <i>et al.</i>,</div> <div><i>Defendants.</i></div> </div>	<div>CASE No. 3:17-cv-00079</div> <div><u>ORDER</u></div> <div>JUDGE NORMAN K. MOON</div>

Upon consideration of the parties' arguments at the status conference held this date concerning issues related to consolidation of the above-captioned cases for trial and scheduling thereof; and finding the following orders will promote the just and efficient resolution of such actions, the Court hereby finds it appropriate to issue the following rulings.

1. Consolidation. The Court finds that the above-captioned cases involve common questions of law or fact such that consolidation for trial and any outstanding discovery would promote their just and efficient resolution. *See* Fed. R. Civ. P. 42(a); *Arnold v. E. Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982) ("The critical question for the district court in the final analysis was whether the specific risks of prejudice and possible confusion were overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned of the single-trial, multiple-trial alternatives."), *on reh 'g*, 712 F.2d 899 (4th Cir. 1983). The Court further notes the parties' agreement at the status conference that such cases be consolidated provided that trial be continued beyond that presently set for March 2022 to afford the parties sufficient time for trial preparation. Finding the governing standard satisfied, the Court hereby **ORDERS** that the actions be consolidated for trial on or about June to August 2022, as well as any outstanding discovery and other necessary pretrial proceedings.

2. Scheduling. The parties are **DIRECTED** forthwith to contact Heidi Wheeler, Scheduling Clerk, to set these consolidated actions for trial.

3. Caption. Upon agreement by the parties that the County of Albemarle no longer is an active defendant in these actions, the Court hereby **DIRECTS** the Clerk of Court to remove the

County of Albemarle from the case captions in *Polk v. Holmes*, No. 3:16-cv-17; *Hubbard v. Holmes*, No. 3:16-cv-18; and *Grady v. Holmes*, No. 3:17-cv-62.

4. Referral to U.S. Magistrate Judge. All non-dispositive pretrial motions and issues, including Defendant's pending discovery motion, are hereby **REFERRED** to United States Magistrate Judge Joel C. Hoppe pursuant to 28 U.S.C. § 636(b)(1)(A) in *Hubbard v. Holmes*, No. 3:16-cv-18.

5. Mediation. Upon notice that the parties are amenable to mediation, pursuant to 28 U.S.C. § 636(b)(3) and Fed. R. Civ. P. 16(a)(5), this matter is hereby **REFERRED** for mediation before Judge Hoppe, and for any proceedings related thereto that Judge Hoppe deems appropriate. The parties are directed to contact Judge Hoppe's Courtroom Deputy, Karen Dotson, at 540-434-3181 ext. 2, forthwith to schedule any mediation or proceedings Judge Hoppe deems appropriate, if the parties have not already done so.

It is so **ORDERED**.

The Clerk of Court is directed to send a certified copy of this Order to all counsel of record.

Entered this 7th day of January, 2022.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE